

REMARKS

Claim 12 is amended to recite that the crude titanium tetrachloride discharge, prior to the titanium oxychloride detection step, is free of aluminum passivating agent. Support for this amendment will be found in the disclosure of the specification at page 4, lines 15-16 and line 31 to page 5 line 19. Accordingly, the amendment to claim 12 is not considered to present new matter.

This amendment is being presented in response to the decision of the Board of Patent Appeals and Interferences dated August 4, 2009 in which the Examiner's position was affirmed. The Board of Appeals decision on page 10 found that claim 12 does not exclude the addition of an aluminum passivation agent to the titanium chloride discharge stream prior to the titanium oxychloride detection step. Since claim 12 now presented excludes the addition of an aluminum passivation agent prior to the titanium oxychloride detection step, it is believed that the claims distinguish nonobviously over the admitted prior art or GB '074 taken with Cronin and/or the combined teachings of Kay, Frey and Cronin.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

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